



PTO/SB/21 (05-03)

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|---|----------------------|------------------------|--|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 10/007,448             | <b>RECEIVED</b><br><b>CENTRAL FAX CENTER</b><br><b>MAY 25 2006</b> |
|   | Filing Date          | 11/07/2001             |  |
|   | First Named Inventor | David Lewis            |  |
|   | Art Unit             | 1635                   |  |
|   | Examiner Name        | Terra C. Gibbs         |  |
| Total Number of Pages in This Submission  | 10                   | Attorney Docket Number | Mirus.030.03   |

| ENCLOSURES (Check all that apply)  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br>Remarks _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Copy of Decision on Petition |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |  |   |
| Firm or Individual name  | Mark K. Johnson, Mirus Corporation   |   |
| Signature  |   |   |
| Date   | 05/25/2006   |   |

| CERTIFICATE OF TRANSMISSION/MAILING  |   |                 |
|--|---|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. (703-872-8306) |   |                 |
| Typed or printed name  | Mark K Johnson  |                 |
| Signature  |  | Date 05/25/2006 |

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# BEST AVAILABLE COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/007,448  
Applicants : David Lewis, Hans Herweijer, James E. Hagstrom,  
Aaron Loomis, Jon A. Wolff,  
Filed : 11/07/2001  
Art Unit : 1635  
Examiner : Gibbs, Terra C.  
Docket No. : Mirus.030.03

**RECEIVED**  
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**MAY 25 2006**

For: **Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-Embryonic Animal Cells *In vivo***

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA, 22313-1450

**RENEWED PETITION  
TO ACCEPT A DELAYED CLAIM OF BENEFIT  
UNDER 35 U.S.C. 120 OF FILED COPENDING  
NONPROVISIONAL APPLICATION**

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit for this application under 35 U.S.C. 120 as a continuation-in-part of application No. 09/447,966 filed on November 29, 1999, now Pat No. 6,627,616, which claims benefit to provisional applications 60/121,730, filed Feb. 26, 1999, and 60/146,564, filed Jul. 30, 1999; and is a Continuation-In-Part from nonprovisional application 09/391,260, filed Sep. 7, 1999 which is a Divisional from nonprovisional application 08/975,573, filed Nov. 21, 1997 now U.S. Pat. No. 6,265,387 issued Nov. 21, 1997, which is a Continuation from 08/571,536, filed Dec. 13, 1995, abandoned.

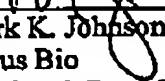
Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

The petition fee as set forth in § 1.17(t) has been paid.

Applicants have submitted this Renewed Petition in order to correct an erroneous serial number listed in the previous Petition. A "09/975,573" was inadvertently listed instead of a "08/975,573" that is correctly listed in this Renewed Petition. Applicants respectfully apologize for this mistake.

If there are any questions, please contact the undersigned.

Respectfully submitted,

  
Mark K. Johnson Reg. No. 35,909  
Mirus Bio  
505 South Rosa Road  
Madison, WI 53719  
608-238-4400

I hereby certify that this correspondence is being sent by facsimile transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: May 25, 2006.

  
Mark Johnson

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David Lewis,  
Hans Herweijer, James E. Hagstrom,  
Aaron Loomis, Jon A. Wolff,

Serial No.: 10/007,448

Filed: 11/07/2001

Group Art Unit: 1635

Examiner: Terra C. Gibbs

For: Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-  
Embryonic Animal Cells *In vivo*

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MAY 25 2006

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. '1.111

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 2231-1450

Dear Examiner:

This Substitute Amendment responds to the Decision on Petition dated May 10, 2006. Kindly  
amend the application as follows: